

PROPERTY LAW

VOLUME 1

Larissa Katz

KE 618 .K38

2021 v.1 c.1 BORA LASKIN LAW LIBRARY

SEP 2 7 2021

FACULTY OF LAW UNIVERSITY OF TORONTO Digitized by the Internet Archive in 2023 with funding from University of Toronto

PROPERTY LAW

VOLUME 1

Larissa Katz

BORA LASKIN LAW LIBRARY

SEP 2 7 2021

FACULTY OF LAW UNIVERSITY OF TORONTO



TABLE OF CONTENTS

VOLUME 1

I.	The Concept of Ownership	1
	A. The Right to Exclude	1
	Jacque v. Steenberg Homes, Inc.	1
	Harrison v. Carswell	6
	Brownstone v. Geller	14
	B. "First in Time, Better in Right"	.17
	Kunstammlungen zu Weimar v. Elicofon	17
	Bishopsgate Motor Finance Corporation Ltd v. Transport Brakes Ltd	21
	United Trust Co. v. Dominion Stores Ltd.	22
II.	Defining Boundaries	54
	A. "Cujus Est Solum" Rule	54
	Edwards v. Sims	54
	Didow v. Alberta Power Ltd	59
	Maxwell Properties Ltd. v. Mosaik Property Management Ltd	66
	B. Fixtures and Accession	80
	Lionel D. Smith, Property: The Law of Tracing	80
	Diamond Neon (Manufacturing) Ltd. v. Toronto-Dominion Realty Co	86
	Ilford-Riverton Airways Ltd. v. Aero Trades (Western) Ltd	90
	C. Intermixture and Alteration	94
	Jones v. De Marchant	94
	Indian Oil Corporation v. Greenstone Shipping	99
	D. Mistaken Improvement	110
	Munro v. Willmott	110

	Greenwood v. Bennett and Others	114
III.	Original and Prior Acquisition	118
	A. Possession and the Law of Capture	118
	Pierson v. Post	118
	Popov v. Hiyashi	122
	"The Tubantia"	131
	B. Abandonment	141
	Stewart v. Gustafson	141
	Arrow Shipping Co. v. Tyne Improvement Commissioners ("The Crystal")	144
	Johnstone and Wilmot Pty Ltd v. Kaine	162
	C. Adverse Possession	181
	Keefer v. Arillotta	181
	Teis v. Ancaster (Town)	187
	Sipsas v. 1299781 Ontario Inc	195
	Re St. Clair Beach Estates Ltd v. Macdonald et al	199
	D. Aboriginal Title	207
	Delgamuukw v. British Columbia	207
	Tsilhqot'n Nation v. British Columbia	227

VOLUME 2

	essory Rights
	Bailments
ι. 1	
	Letourneau v. Otto Mobiles Edmonton (1984) Ltd
	Punch v. Savoy's Jewellers Ltd
	The Winkfield
ii.	Finders' Rights
	Armory v. Delamirie
	Parker v. British Airways Board
	Deaderick v. Oulds
	Keron v Cashman
3. Non-	-Possessory Rights
i.	Easements
	Re Ellenborough Park
	Phipps v. Pears
	Barton v. Raine
	Laurie v. Winch
	Chand and others v Linden Mews Ltd
ii.	Restrictive Covenants
	Tulk v. Moxhay
	Austerberry v. Oldham
	Berry v. Indian Park Assn.
	Owners, Strata Plan LMS 3905 v. Crystal Square Parking Corp

V.	Concurrent and Successive Ownership	333
	A. Co-Ownership	333
	Leigh v. Dickeson	333
	Mastron v. Cotton	336
	Burgess v. Rawnsley	339
	Frosch v. Dadd	344
	B. Present and Future Interests	351
	i) Life Estates	351
	Savoy v. McEachern	351
	Dent v. Dent	354
	ii) Defeasible Fees	358
	Lawson and Rudden, The Law of Property	358
	Re North Gower Township Public School and Todd	360
	Athabasca Realty v. Lee	363
	iii) Rule Against Perpetuities	383
	Scurry-Rainbow Oil (Sask.) Ltd. v. Taylor	383
VI	I. Things	400
	R. v. Bentham	400
	Saulnier v. Royal Bank of Canada	404
	Katrina M. Wyman, Second Generation Property Rights Issues	420

International News Service v. The Associated Press
Victoria Park Racing and Recreation Grounds Co. Ltd. v. Taylor
VII. Property and Public Right
A. Takings
Kelo v. City of New London
Canadian Pacific Railway Co v Vancouver (City)
Manitoba Fisheries Ltd. v. Canada
B. Jus Publicum?
i) Right to Housing
Southwark London Borough Council v Williams
Batty v Toronto (City)
ii) Public Right of Movement564
Middlesex Centre (Municipality) v. MacMillan
Dwyer v Staunton Alberta572
Arthur Ripstein, Roads to Freedom
Carson v Blazer613
Chippewas of Saugeen First Nation v The Attorney General of Canada625

